

5 October 1978

MEMORANDUM FOR: Chairman, Security Committee
THROUGH: Executive Secretary, Security Committee
FROM: [REDACTED]
SUBJECT: SCI Denials Working Group - Progress Report
on Development of Appeal Procedures

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1. A meeting was held of the SCI Denials Working Group on 5 October 1978.

2. At the outset, the undersigned advised the group that the Chairman, at the last SECOM meeting, had reviewed the draft DoD proposal attached and found same to be unacceptable. The Group was advised that you desired a uniform appeal procedure which contained limited due process procedures. I then introduced [REDACTED] to the Group and advised them that [REDACTED] would assist us in achieving the above objective.

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3. [REDACTED] spoke for some time in response to questions concerning routine legal matters pertaining to the necessity of developing such procedures and on due process requirements. In conclusion, [REDACTED] suggested that the Group establish a uniform appeals procedure that would provide for departmental appeals with a final appeal to the DCI. He advised the Group that such procedures would be highly desirable from a legal standpoint in that it would be apparent to any court that procedures were consistently applied throughout the community. (I find it difficult to reconcile this approach with our black contracts).

4. Opposition was voiced to this proposal by the DoD representatives, and particularly the NSA representative. The FBI also objected to this procedure while stating that he believed that a uniform appeal procedure was necessary; however, he felt that it should be limited to the Departments to administer. The Justice representative advised that the Counsel to the Attorney General had recommended that written

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appeals procedures be developed; however, the Justice Department Counsel desires to review same before implementation.

5. After the meeting, I advised [] that his proposal as outlined above went further than anything that we had previously suggested or discussed. [] said that he would discuss the matter personally with you.

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6. During the course of the meeting, it was disclosed that there is, in fact, a number of ad hoc SCI appeal procedures throughout the community which range from the DIA "counseling" a subject who was denied SCI access to other DoD procedures of notifying such subjects in writing through command channels without providing any details or reasons why they were denied access. The Air Force, for instance, conducts a personal interview with the subject of a SCI denial and advises them that they can obtain the reasons for such action by submitting a privacy act request.

7. Interested members of the Working Group will meet at the Pentagon on 11 October 1978 to attempt to formulate a proposal that will be submitted to the full Working Group on 18 October. [] has been invited to both meetings.

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Attachment

Distribution:

Original - Addressee

1 - SECOM/subject

1 - SECOM/chrono

SECOM [] 5 October 1978

cc: []

DRAFT DOD PROPOSAL AN DP/AP REVISION TO DCID 1/14

Each Senior Intelligence Officer shall establish formal procedures ensuring that individuals denied access to SCI are notified of the decision and are afforded a reasonable opportunity to respond.